

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DARIANA LUPERON,

Plaintiff(s)

ANSWER WITH
CROSS-CLAIM

- against -

Docket #: 07-CV -9630

NORTH JERSEY TRUCK CENTER, INC.
MORTRAN LEASING CORP., AND RANDY
CAMPOSMATOS

(RJS)

Defendant(s)

NORTH JERSEY TRUCK CENTER, INC.
MORETRAN LEASING CORP.

Third-Party Plaintiff(s)

- against -

COLLIE ARNOLD AND SMARTWAY
TRANSPORT, LLC,

Third-Party Defendant(s)

Defendant(s) Randy Camposmatos, by the undersigned answering the VERIFIED complaint of the plaintiff(s), upon information and belief, states as follows:

ANSWERING A FIRST CAUSE OF ACTION

FIRST: Denies having any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered and designated as: 7, 8, 11, 13.

SECOND: Denies each and every allegation contained in paragraphs numbered and designated as: 9, 14, 16, 17, 18.

THIRD: Admits each and every allegation contained in paragraphs numbered and designated as: 1, 2, 3, 4, 5, 6, 10, 12, 15.

AS AND FOR AN AFFIRMATIVE DEFENSE-COLLATERAL SOURCE

The costs incurred, or paid by plaintiff(s), if any, for medical care, dental care, custodial care or rehabilitation services, loss of earnings or other economic loss, in the past or future, were or will, with reasonable certainty be replaced or indemnified, in whole or in part, from a collateral source of the type described in CPLR Section 4545 and defendant is entitled to have any award reduced in the amount of such payments.

AS AND FOR A CROSS-COMPLAINT AGAINST THE CO-DEFENDANTS NORTH JERSEY TRUCK CENTER INC. AND MORETRAN LEASING CORP.

IT IS ALLEGED:

That, if the plaintiff Dariana Luperon recover herein, it will be by virtue of the recklessness, carelessness and negligence of the co-defendants North Jersey Truck Center, Inc. and Mortran Leasing Corp., above-named, and not of the defendant Randy Camposmatos and that this answering defendant Randy Camposmatos demands judgment for contribution and/or indemnification in whole or in part and that the respective degrees of negligence of the co-defendants North Jersey Truck Center, Inc. and Mortran Corp., be ascertained, determined and adjudicated and that the defendant Randy Camposmatos have judgment over and against the above-named co-defendants North Jersey Truck Center, Inc. and Mortran Leasing Corp. as their proportionate share compensurate with their respective degrees of negligence as will be decided on at the trial herein.

WHEREFORE, the defendant Randy Camposmatos demands judgment dismissing the plaintiff Dariana Luperon's recovery as to their respective degrees of negligence as determined herein, together with the costs and disbursements of this action.

DATED: Westbury, New York
February 06, 2008

John W. Kondulis, Esq. (JK4978)
JAMES G. BILELLO & ASSOCIATES (JB7226)
Attorneys for Defendant(s)
Randy Camposmatos
875 Merrick Avenue
Westbury, New York 11590
(516) 229-4312
Our File No. 08K0158

TO:

Price, Meese, Shulman & D'Arminio P.C.
Attorneys for Co-Defendant

North Jersey Truck Center ,Inc.
106 Corporate Park Drive
White Plains, NY 10604

Kevin Concagh PC
Attorneys for Plaintiffs
225 Broadway
New York, NY 10007

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JAMES G. BILELLO & ASSOCIATES
Attorneys for the Defendant(s)
Randy Camposmatos
875 Merrick Avenue
Westbury, NY 11590
(516) 229-4312

TO

Kevin Concagh PC
Attorneys for Plaintiff
Dariana Luperon
225 Broadway
New York, NY 10007

Price, Meese, Shulman & D'Arminio P.C.
Attorneys for Co-Defendants
North Jersey Truck Center, Inc.
Mortran Leasing Corp.
106 Corporate Park Drive
White Plains, NY 10604

Due and timely service of a copy of the within ANSWER WITH CROSS-CLAIM is hereby admitted

Dated February 06, 2008

Attorney(s) for Randy Camposmatos

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK) SS.:
COUNTY OF NASSAU)

Joan Panzella, being duly sworn deposes and says that she is over the age of 18 years, that on the ____ day of February, 2008 she served the annexed ANSWER WITH CROSSCLAIM upon the following named attorneys and parties:

TO:

Kevin Concagh PC
Attorneys for Plaintiff
Dariana Luperon
225 Broadway
New York, NY 10007

Price ,Meese,Shulman & D'Arminio P.C.
Attorneys for Co-Defendant
North Jersey Truck Center ,Inc.
106 Corporate Park Drive
White Plains, NY 10604

by depositing true copies thereof in a post box maintained by the United States Postal Authorities, enclosed in securely closed post-pain wrappers addressed to the above named attorney(s) and parties(s) listed above: that being addressed designated by them as ascertained by deponent from the file maintained in the office of the attorneys for the Defendant(s) Randy Camposmatos, herein.

Joan Panzella

Sworn to before me this
_____ day of February, 2008

NOTARY PUBLIC